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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,376	02/06/2002	Chris J. Wendel	077077-9140-00	2563
7590 05/06/2004			EXAMINER	
David B. Smith Michael Best & Friedrich LLP 100 East Wisconsin Avenue Milwaukee, WI 53202-4108			SAFAIPOUR, HOUSHANG	
			ART UNIT	PAPER NUMBER
			2622	6
DATE MAILED: 05/06/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,376

Applicant(s)

WENDEL, CHRIS J.

Examiner

Houshang Safaipoor

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3&4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's amendment filed on January 29, 2004 has been entered and made of record.

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

The recitation "printing press" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

With respect to claim 1, applicant explains the purpose of the illumination apparatus in the claimed invention and argues that is different from that of Bloemendaal. Examiner disagrees. Claim 1 recites two mirrors for directing the light in two distinct paths from the light source to the paper substrate. As mentioned above the recitation "printing press" has not been given any patentable weight and furthermore, the claim language does not reflect applicant's arguments stated on page 6 of the remarks. Therefore, the rejection of claims 1-5, 7, 12, 14 and 18 is maintained.

With respect to rejection of claims 6, 8-11, 13, 15-17, 19 and 20, a new reference, U.S. Patent No. 4,518,249 (Murata et al.), has been used as necessitated by applicant's amendment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sikes et al. (U.S. Patent No. 5,018,213) and further in view of Bloemendaal et al. (U. S. Patent No. 4,225,923).

Regarding claim 1, Sikes et al. discloses a camera assembly for use in scanning a paper substrate of a printing press, said assembly comprising:

a housing (fig. 1);

camera mounted within said housing (fig. 3, camera 116);

a light source mounted within said housing (Fig. 3, light source 112); and

Sikes et al does not explicitly disclose two mirrors positioned within said housing to direct light in two distinct paths from said light source to the paper substrate. Bloemendaal et al. discloses such an apparatus (fig. 1, mirrors 12 and 13). Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to combine Sikes apparatus with that of Bloemendaal because with the addition of the mirrors and lens uniform light would be directed towards the substrate.

Regarding claim 2, sikes et al. discloses the camera assembly of claim 1 wherein said camera is a CCD type Camera (col. 1, lines 52-68).

Regarding claim 3, Sikes et al. discloses the camera assembly of claim 1 wherein said light source is a strobe type light source (fig. 3, strobe light 112).

Regarding claim 4, Sikes et al does not explicitly disclose the camera assembly of claim 1 wherein at least one of said mirrors is flat. Bloemendaal et al. discloses such an apparatus (fig. 1, mirrors 12 and 13). Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to combine Sikes apparatus with that of Bloemendaal because with the addition of the mirrors and lens uniform light would be directed towards the substrate.

Regarding claim 5, arguments analogous to those presented for claim 4 are applicable to claim 5.

Regarding claim 12, Sikes et al. discloses a lighting assembly for a camera positioned adjacent a paper substrate of a printing press, said assembly comprising:

a strobe light source (fig. 3, strobe light 112); and

Sikes et al does not explicitly disclose two mirrors positioned within said housing to direct light in two distinct paths from said light source to the paper substrate. Bloemendaal et al. discloses such an apparatus (fig. 1, mirrors 12 and 13). Therefore it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to combine Sikes apparatus with that of Bloemendaal because with the addition of the mirrors and lens uniform light would be directed towards the substrate.

Claims 7, 8, 9, 14, 15, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murata et al. (U.S. Patent No. 4,518,249) and further in view of Bloemendaal et al. (U. S. Patent No. 4,225,923).

Regarding claims 7, 14 and 18 arguments analogous to those presented for claim 3 are applicable to claims 7, 14 and 18.

Regarding claim 8, Murata et al. does not disclose the lighting assembly of claim 7 wherein said strobe type light source is a Xenon strobe bulb. Bloemendaal discloses such an apparatus (col. 3, lines 54-58).

Regarding claims 9, 15 and 20 arguments analogous to those presented for claim 4 are applicable to claims 9, 15 and 20.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6, 10, 11, 13, 16, 17, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Murata et al. (U. S. Patent No. 4,518,249).

Regarding claim 6, Murata et al. discloses a lighting assembly for lighting a paper substrate, said assembly comprising:

a light source (fig. 2, light source 1); and

at least one mirror positioned adjacent said light source to direct light from said light source to the paper substrate (fig. 2, mirrors 2 and 3).

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Regarding claim 10, Murata et al. discloses the lighting assembly of claim 6 wherein said at least one mirror is two mirrors (fig. 2, mirrors 2 and 3).

Regarding claim 11, Murata et al. discloses the lighting assembly of claim 10 wherein said mirrors are positioned within said assembly to direct light from two different directions from the light source to the paper substrate (fig. 2, mirrors 2 and 3).

Regarding claim 13, Murata et al. discloses a method of creating a dual light paths directed toward a paper substrate of a printing press, said method comprising:

supplying a light source (fig. 2, light source 1);

supplying two mirrors (fig. 2, mirrors 2 and 3); and

positioning said mirrors adjacent said light source such that light from said light source strikes said mirrors and light is redirected in a dual light paths toward the paper substrate (fig. 2, mirrors 2 and 3).

Regarding claim 16, Murata et al. discloses the method of claim 13 wherein each light path has an illumination intensity that is substantially the same (fig. 2, light source 1).

Regarding claim 17, arguments analogous to those presented for claim 13 are applicable to claim 17.

Regarding claim 19, Murata et al. discloses the method of claim 17 wherein said at least two mirrors is two mirrors (fig. 2, mirrors 2 and 3).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (703)306-4037. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles, Sr. can be reached on (703)305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipoor
Patent Examiner
Art Unit 2622
April 27, 2004


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